**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE KURIAN JOSEPH**

**TUESDAY, THE 20TH FEBRUARY 2007 / 1ST PHALGUNA 1928**

**WP(C).No. 35814 of 2003(L)**
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**PETITIONER:**
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**OLLIYANIKKAL KARTHIYANI,**
**D/O. RAMAN, AGED 60 YEARS, OLLIYANIKKAL HOUSE,**
**VAKKERI P.O., SULTHAN BATHERY, WYNAD.**

**BY ADV. SRI.T.G.RAJENDRAN**

**RESPONDENTS:**
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**1. STATE OF KERALA, REP. BY SECRETARY,**
**REVENUE DEPARTMENT, SECRETARIAT,**
**TRIVANDRUM.**

**2. THE DISTRICT COLLECTOR, WYNAD.**

**3. THE TAHSILDAR, SULTHAN BATHERY.**

**4. PRAKASHINI SINDHU, PAROTTIYAL HOUSE,**
**AMARAKUNY P.O., PULPALLY, WYNAD.**

**BY GOVERNMENT PLEADER SRI. MANOJ**
**ADV. SRI.K.JAJU BABU FOR R4**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20/02/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**WP(C) NO: 35814/2003 L**

**APPENDIX**

**PETITIONER'S EXHIBITS**

**EXT.P1. COPY OF THE ORDER OF ASSIGNMENT ON REGISTRY IN LA 1/80 DT. 28/2/80.**

**EXT.P2. COPY OF THE ASSIGNMENT ON REGISTRY IN LA NO. 2/80 DT. 28/2/80.**

**EXT.P3. COPY OF THE ORDER OF ASSIGNMENT ON REGISTRY TO THE R4 IN LA NO. 38/96 DT. 8/10/96.**

**EXT.P4. COPY OF THE PETITION FILED BY THE PETITIONER BEFORE THE R2 DT. 16/7/97.**

**EXT.P5. COPY OF THE REPORT SENT BY THE R3 TO R2 DT. NIL.**

**EXT.P6. COPY OF THE JUDGMENT IN OP NO. 28760/02 OF THIS COURT DT. 5/10/02.**

**EXT.P7. COPY OF THE ORDER OF THE R2 DT. 7/3/03.**

[ True copy ]

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**KURIAN JOSEPH, J.**

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**W.P.(C) No.35814 of 2003**

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**Dated 20th February, 2007.**

**J U D G M E N T**

The writ petition is filed mainly with the following prayers :-

> (i) "Issue a writ of certiorari calling for the records leading to Ext.P7 and to quash the original of the same.
>
> (ii) To declare that Ext.P3 patta issued to the 4th respondent is liable to be cancelled as per Rule 8(3) of the Land Assignment Rules as the same is issued on the basis of mistaken facts."

Learned Government Pleader and the learned counsel appearing for the party respondent submit that Ext.P7 is revisable under Rule 21 of the Land Assignment Rules. Since there is such an effective statutory remedy available to the petitioner, it is not necessary for this Court at this stage to go into the merits of the case. Accordingly, the writ petition is disposed of as follows :-

In the event of the petitioner pursuing the statutory remedy of revision within two months from today, the concerned authority will consider the same with notice to the petitioner and pass appropriate orders thereon in accordance with law, within another three months. The interim order passed by this Court will continue till such time.

**KURIAN JOSEPH, JUDGE.**

OP NO. 2

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**KURIAN JOSEPH, J**

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**W.P.(C)No. of 2002**

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**J U D G M E N T**

**Dated 20th February, 2007.**